

Notice of Allowability

Application No.

10/584,500

Examiner

Kyle M. Riddle

Applicant(s)

FUJII ET AL.

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>6/22/06, 5/21/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Specification

2. The disclosure is amended as follows: "... " is deleted from the following pages and lines:

- Page 14, lines 18, 21, 22, 23, 25, 26, and 27;

- Page 15, lines 15-18, 20, 22, 24, and 27;

- Page 16, lines 9 and 10;

- Page 17, line 20;

- Page 18, line 22;

- Page 19, lines 11 and 22;

- Page 20, lines 15 and 19;

- Page 21, line 21;

- Page 22, lines 6, 7, 18, and 19;

- Page 23, line 1;

- Page 28, lines 1 and 7;

- Page 32, line 16;

- Page 34, lines 13, 24, and 26;

- Page 35, line 1;

- Page 36, lines 2 and 21;
- Page 37, lines 3, 6, 14, 18, 19, 21, and 24;
- Page 38, lines 1, 2, and 25;
- Page 39, line 1.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The claimed combination including the limitations of a valve operating system comprising rocker arm with a cam abutting portion and coupled to an engine valve, a link mechanism with a link arm and connecting portion operatively connected to the rocker arm and having a fixed portion, a second link arm connected to the rocker arm with a movable support portion, a drive means to vary a lift amount continuously, wherein the connecting portions are arranged in parallel and the movable support portion of the second link arm is placed nearer to the engine valve than the fixed support portion of the first link arm, is not disclosed or rendered obvious over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The IDS (PTO-1449) filed on 26 June 2006 and 21 May 2007 has been considered. An initialized copy is attached hereto.
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of 2 patents.

- Pattakos et al. (U.S. Patent 6,892,684) disclose a variable valve gear with multiple levers and contact surfaces.


- Ezaki et al. (U.S. Patent 7,207,300) disclose a variable valve mechanism with links, arms, and levers for individual engine banks.

Communication

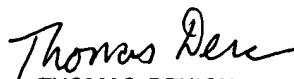
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle M. Riddle whose telephone number is (571) 272-4864. The examiner can normally be reached on M-F (07:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kyle M. Riddle
Examiner
Art Unit 3748

Kmr


THOMAS DENION
SUPERVISORY PATENT EXAMINER
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